

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the pending application. Applicant has received and carefully reviewed the Office Action dated June 18, 2007.

Claims 1-4 are currently pending. Of those claims, claim 4 is withdrawn. Reexamination and reconsideration of the pending claims in light of the following remarks is respectfully requested.

The Office rejects claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 5,330,580 to Whipple (hereinafter "*Whipple*"). Applicant respectfully traverses the rejection.

As required in Chapter 2131 of the MPEP, in order to anticipate a claim under 35 U.S.C. § 102(b), "the reference must teach each and every element of the claim." Applicant respectfully submits that *Whipple* does not teach each and every element recited in claims 1 and 3. Therefore, *Whipple* does not anticipate these claims.

Whipple describes a fuzzy logic controller 200 that senses several variables to monitor oscillations or surges in the power consumption of a motor. *See Whipple* at col. 6, lines 51-66; col. 8, line 55-57. When the fuzzy logic controller of *Whipple* senses the end of oscillations or surges in the power consumption, the amount of water being input into the washing machine is stopped. *See id.* *Whipple*, however, fails to teach or suggest at least, "comparing the value indicative of the determined electrical characteristic with a predetermined value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period," as recited in independent claim 1.

The Office alleges that *Whipple's* "system is capable of detecting and recording multiple measurements over discrete time periods (col. 5 line 60 - col. 6 line 15). Comparing these measurements to previous measurements, or pre-determined values, the control system determines the proper amount of liquid to be added." *Office Action* at ¶ 2. Respectfully, the Office is reading a great deal into *Whipple's* disclosure. *Whipple* merely states: "In periodic feed

back control, the closed loop feed back control system may incorporate, in real-time, sequences of measurements, such as several measurements per second, provided by the device for monitoring machine load.” *Whipple* at col. 5, line 66 - col. 6, line 2 (emphasis added). First, *Whipple*’s closed loop system operates in real-time. There is no disclosure by *Whipple* of “recording multiple measurements over discrete time periods,” as urged by the Office. *Whipple* does not disclose the storage or recording of any data; nor does *Whipple* disclose hardware that could store or record any data. See entire disclosure and FIGS. 1-5. Second, *Whipple* states: “The closed loop feedback control algorithm uses the [real-time] measurements to make determinations regarding the amount of liquid to provide to frame 20 or to determine when a sufficient amount has been provided.” Col. 6, lines 2-6. *Whipple* does not describe how his algorithm uses the real-time measurements to make determinations. Applicant is unsure how the Office makes the jump from the just-cited portion of *Whipple* to the claimed “comparing the value indicative of the determined electrical characteristic with a predetermined value ...” as recited in independent claim 1. Any allegation that *Whipple* makes a disclosure such as that recited in claim 1 goes beyond improper hindsight. Third, *Whipple* is completely silent regarding a disclosure of: “continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period,” as recited in independent claim 1. The Office’s lack of any argument or explanation as to where this element of claim 1 might be found in *Whipple* is taken as an admission that *Whipple* makes no such disclosure. *Whipple* simply does not disclose, either expressly or inherently, at least, “comparing the value indicative of the determined electrical characteristic with a predetermined value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period,” as recited in independent claim 1.

Therefore, for at least the aforementioned reasons, Applicant respectfully submits that independent claim 1 is patentable over *Whipple*. Likewise, claim 3, which depends from independent claim 1, is also patentable for at least the same reasons as discussed above. Accordingly, Applicant requests withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1 and 3.

The Office rejects claim 2 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,330,580 to *Whipple* in view of U.S. Patent No. 4,509,543 to Livingston *et al.* (hereinafter "*Livingston*") or U.S. Patent No. 4,245,310 to Kiefer (hereinafter "*Kiefer*"). Applicant respectfully traverses the rejection.

Claim 2 depends from claim 1 and, as stated above, *Whipple* does not disclose at least "comparing the value indicative of the determined electrical characteristic with a predetermined value, and continuing a supply of water for a second predetermined period after a predetermined first period if the value indicative of the determined electrical characteristic is not less than the predetermined value during the second predetermined time period." Neither *Livingston* nor *Kiefer* cure the deficiencies of *Whipple*. In fact, both *Livingston* and *Kiefer* were cited to support an alleged disclosure of the use of error messages. Therefore, claim 2 is patentable over the combination of *Whipple* in view of *Livingston* or *Kiefer*. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) of claim 2.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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